IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

SUMMARY SUIT NO.3574 OF 2006

Anil Desa Anjara ..Plaintiff.

Vs.

Ratnoji Dhondu Kamble & Anr. ..Defendants.

...

Mr. Ramesh Jain for the Petitioner.

CORAM: **DR. D.Y. CHANDRACHUD,**

2nd April, 2007.

P.C. :

The suit under Order 37 of the Code of Civil Procedure, 1908 is based on a bill of exchange dated 18th December, 2003 in the amount of Rs.70,000/- drawn by the First Defendant and accepted by the Second Defendant. In paragraph 3 of the Plaint it has been averred that the Plaintiff submitted the said Bill of Exchange to the Second Defendant on 19th January, 2004. The Second Defendant dishonoured the bill by non-payment upon which presentation has also been made to the First Defendant. The First Defendant has failed and neglected to pay the amount due thereunder. The advocate's notice dated 17th November, 2006 was addressed to the

Defendants to which there is no reply. The Defendants have failed to enter appearance despite service of the writ of summons. An affidavit of service has been filed. A compilation of the original documents on the basis of which the suit has been instituted has also been tendered on the record. The claim of the Plaintiff is duly established. Even otherwise, the Defendants having failed to enter appearance, the Plaintiff would be entitled to a decree as prayed under the provisions of Order 37. The suit shall accordingly be decreed in terms as prayed save and except with the modification that the Plaintiff shall be entitled to interest at the rate of 9% per annum from the date of the institution of the suit until the date of the decree and at the same rate from the date of the decree until payment or realization.

Refund of Court Fess, if any, as per rules.